FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Civil Application No. 4308/2006
in
Writ Petition No. 2571/2006(Decided)

Appeal Application No. Writ petition	District : of 200

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Shri. M.V. Samarth, Adv. for petitioners.
Shri Shashikant Borkar, Adv. for R-11 to 20.

CORAM : B.R. Gavai, J.
DATED : September 4, 2006.

By way of present civil application, the respondent nos. 11 to 20 pray for modification of the order dated 7th July, 2006. Vide the said order, this Court had permitted the newly elected body under the Chairmanship of Advocate Shri V.N. Meshram to continue to administer the affairs of the society, during the pendency of the decision of the Change Report. Vide the said order, the body was directed not to take any major financial decisions or policy decisions without the prior permission of the Assistant Charity Commissioner. It was further made clear that the body would be entitled to take decision regarding transfers and ad hoc promotions on account of

exigencies arising out of administrative reason. However, such decisions were made subject to the approval by the Assistant Charity Commissioner on being reported to him about the same.

By way of present civil application, it is stated that flouting this order, under the garb of administrative exigency, mass transfers have been effected.

Normally, new body ought not to have effected such mass transfers without obtaining prior permission of the Assistant Charity Commissioner. Be that as it may, the learned Assistant Charity Commissioner has now, by the order dated 28th August, 2006, has ratified the decision of the new body. I further find that none of the transferee who has been transferred, has approached this Court.

In that view of the matter, I am not inclined to entertain the present application. Same stands rejected.

However, it is made clear that if the applicants have any remedy, they may take recourse to same. If any person aggrieved, desires to challenge the order of transfer, etc. he shall be entitled to do so and the observations made by this Court in the order

dated 7th July, 2006 would not come in the way of such person in prosecuting the remedy available to him.

JUDGE

RMP